

REMARKS

Claims 1-125 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

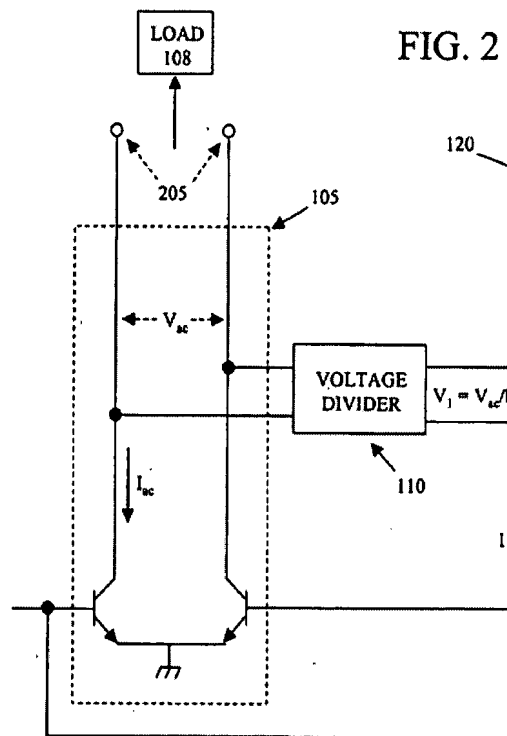
Claims 31-39, 41, 45-49, 51-59, 61, 65-69, 71-79, 81, 85-88, 90-96, 101-107, 11-115 and 117-122 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pollanen et al. (U.S. Pat. No. 6,289,205). This rejection is respectfully traversed.

With respect to claim 31, Pollanen fails to disclose that the voltage detector generates a voltage signal that is proportional to the output voltage of the power amplifier, **wherein at least one of the output voltage and the output current of the power amplifier is at least one of an output voltage and an output current of an antenna of the transmitter.** Instead, Pollanen appears to disclose that the output voltage and current of the alleged power amplifier are subsequently amplified. As such, the output voltage and output current of the alleged power amplifier are not the output voltage and output current of the antenna.

For anticipation to be present under 35 U.S.C §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Pollanen fails

to disclose the limitation that at least one of the output voltage and the output current of the power amplifier is at least one of an output voltage and an output current of an antenna of the transmitter.

As shown in exemplary embodiments in FIGS. 1 and 2 of the present application, a power amplifier 105 is connected to an output load 108 such as an antenna (e.g. FIG. 1 illustrates the output load 108 as an antenna). As shown in FIG. 2, Applicants respectfully note that an output voltage V_{ac} of the power amplifier is the voltage across the antenna:



Similarly, an output current I_{ac} of the power amplifier 105 is the current through the antenna. In other words, the output voltage V_{ac} and the output current I_{ac} of the power amplifier 105 directly correspond to voltage and/or current of the antenna.

Consequently, a voltage detector 110 receives a voltage signal that represents (i.e. approximately equivalent to) the voltage across the antenna. A current detector 115 receives a current signal that represents the current through the antenna. In other words, the detectors are receiving the **true** voltage and current outputs (i.e. not scaled or proportionate values). As such, **at least one of the output voltage and the output current of the amplifier is at least one of the output voltage and the output current of the antenna.**

The Examiner maintains that Pollanen discloses this structure because FIG. 9 illustrates an antenna 8. The Examiner relies on modulation block 3 to disclose the claimed power amplifier. Applicants respectfully submit that output voltage and output current of the alleged power amplifier are not the output voltage and the output current of the antenna 8. Output power of the modulation block 3 is input to output stage 4 at P_{in} . The output stage 4 amplifies the output power of the modulation block 3. For example:

The high-frequency signal to be transmitted and conveyed to the base of the transistor T1 is amplified in the transistor T1, whereby **an amplified, high-frequency output signal** is received from the collector, which signal **is directed via a second capacitor C2 to the load impedance Z.** (Column 6, Lines 51-55; Emphasis added).

As such, the antenna 8 does not receive the output power (i.e. output voltage and/or current) of the modulation block 3. Instead, **the antenna 8 receives amplified output voltage and output current of the modulation block 3.** This structure is not analogous to the limitation **at least one of the output voltage and the output current**

of the amplifier is at least one of the output voltage and the output current of the antenna as Applicants' claim 31 recites.

Further, Applicants note that the Examiner alleges that the modulation block 3 is "a transmitter element" that inherently and/or implicitly includes a power amplifier because transmitters inherently include a power amplifier. Applicants respectfully disagree. Applicants note that FIG. 9 discloses a transmitter 2 that includes the modulation block 3 and various amplification elements in the output stage 4. In other words, the output stage 4 appears to be the power amplifier for the output of the transmitter 2. As such, **the modulation block 3 does not necessarily include a power amplifier**. The Examiner's allegation that the modulation block 3 inherently and/or implicitly includes a power amplifier appears to be unsupported.

For example, the fact that a certain characteristic **may occur or be present** in the prior art reference is not sufficient to establish inherency of that characteristic. *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (emphasis added). The Federal Circuit has clearly stated that:

To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is **necessarily** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities.'

In re Robertson, 49 USPPQ2d 1949, 1950-1951 (Fed. Cir. 1999) (emphasis added).

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic **necessarily** flows from the teachings of the applied prior art." *Ex Parte Levy*, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990) (emphasis

original). Therefore, the presence of a power amplifier in the modulation block 3 must *necessarily* flow from the teachings of Pollanen. Applicants respectfully submit that this is not the case here, especially in view of the fact that Pollanen discloses that the output stage 4 of the transmitter 2 already includes power amplification elements.

In view of the foregoing, Applicants respectfully submit that claim 31, as well as its dependent claims, should be allowable for at least the above reasons. Claims 32-125 should be allowable for at least similar reasons.

ALLOWABLE SUBJECT MATTER

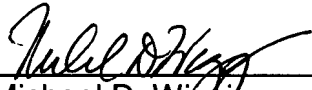
The Examiner states that claims 1-30 are allowed. Applicants thank the Examiner for the allowable subject matter.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 4, 2007

By: 
Michael D. Wiggins
Reg. No. 34,754

Damian M. Aquino
Reg. No. 54,964

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MDW/DMA/tmf